

REMARKS

Claims 1-38 are pending in the application.

Claims 1-38 stand rejected.

Claims 1, 16, 22, 32, and 38 have been amended without adding any new subject matter to the instant application. Dependent claim 22 has been amended to provide clarity and proper antecedent support in view of present claim amendments to corresponding independent claim 16. The present claim amendments find support throughout the instant Specification including, for example, at paragraphs [0020], [0024], [0026]-[0028], and in Figs. 6 and 8. Applicants assert that the present claim amendments should not be construed as indicating Applicants' acceptance of Examiner's reasons for rejection of various claims in the Office Action.

Rejection of Claims under 35 U.S.C. §101

Claims 16-31 stand rejected under 35 U.S.C. § 101 as being directed to allegedly non-statutory subject matter, to wit, "software modules or software". (Office Action, item-3, page-2.)

Claims 32-37 are rejected under 35 U.S.C. § 101 as being directed to allegedly non-statutory subject matter.

Claim 38 has been rejected under 35 U.S.C. § 101 as being allegedly directed to a "data structure", which is not statutory. (Office Action, item-3, page-3.)

Without acceding to the Examiner's proffered reasons for rejecting claims 16-38 under 35 U.S.C. §101, and merely to expedite prosecution of the instant application,

Applicants have appropriately amended independent claims 16, 32 and 38, and dependent claim 22 to more clearly recite statutory subject matters.

Hence, Applicants assert that independent claims 16, 32, and 38, and their corresponding dependent claims are directed to statutory subject matter. Therefore, withdrawal of rejection of claims 16-38 under 35 U.S.C. § 101 and allowance of the same is respectfully requested.

Rejection Under 35 U.S.C. §102

Claims 1-38 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Amerasinghe et al., U.S. Patent Application Publication No. 2007/0208608 (“Amerasinghe”). Applicants respectfully traverse these rejections in view of present claim amendments and following remarks.

As an initial matter, Applicants hereby incorporate all discussions related to the patentability of pending claims 1-38 in view of Amerasinghe, as presented in Applicants’ response to immediately previous Office Action of June 30, 2008 (“Previous Response”), to the extent that those arguments are relevant to the currently pending claims. Because Applicants’ Previous Response provided a detailed discussion of scope of teachings in Amerasinghe, such earlier discussion is not repeated herein for the sake of brevity.

While not acceding to the stated reasons for various rejections or conceding that Amerasinghe qualifies as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the anticipation rejection as follows, in light of the amendments made hereby. Applicants reserve the right, for example, in a continuing application, to establish that the cited reference, or other references cited hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed. Applicants also reserve the right to dispute Examiner's reasons for rejections or to provide additional arguments for patentability of pending claims, when necessary.

As will be appreciated, "[a]...claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). (Emphasis added.) Applicants respectfully submit that Amerasinghe does not satisfy this burden, as explained in more detail below.

Prior to presenting their arguments in favor of patentability of pending claims 1-38 in view of Amerasinghe, Applicants wish to briefly address use of the term "nonfunctional descriptive material" to arbitrarily (and selectively) ignore patentable subject matter in various pending claims and to conveniently refuse to give it any patentable weight. (See, e.g., discussion of rejection of independent claim-1 at the top of page-6 and rejection of independent claim-16 in the second full paragraph on page-10 in the Office Action). In other words, instead of examining all claim limitations in each of the pending independent claims 1 and 16, the examination of a significant portion of the claims has been refused by mischaracterizing it as "nonfunctional descriptive material."

Applicants respectfully assert that the unexamined portions of independent claims are no less functional than the examined portions and, hence, respectfully request all claim limitations be examined in subsequent office action(s). Applicants also observe that the terms found to be “nonfunctional descriptive material” in independent claims 1 and 16 also appear in other independent claims 32 and 38; however, the Office Action does not treat those same terms as “nonfunctional descriptive material” when examining claims 32 and 38. (*See, e.g.*, discussion on pages 12-15 in the Office Action.) Applicants respectfully submit that such inconsistent examination is being avoided, to prevent confusion on Applicant’s part.

Applicants also wish to draw attention to the following discussion in MPEP § 2106.01 regarding “non-functional descriptive material.”

II. NONFUNCTIONAL DESCRIPTIVE MATERIAL

Nonfunctional descriptive material that does not constitute a statutory process, machine, manufacture, or composition of matter and should be rejected under 35 U.S.C. 101. Certain types of descriptive material, such as music, literature, art, photographs, and mere arrangements or compilations of facts or data, without any functional interrelationship is not a process, machine, manufacture, or composition of matter. USPTO personnel should be prudent in applying the foregoing guidance. Nonfunctional descriptive material may be claimed in combination with other functional descriptive multi-media material on a computer-readable medium to provide the necessary functional and structural interrelationship to satisfy the requirements of 35 U.S.C. 101. The presence of the claimed nonfunctional descriptive material is not necessarily determinative of nonstatutory subject matter. For example, a computer that recognizes a particular grouping or sequence of musical notes read from memory and thereafter causes another defined series of notes to be played, requires a functional interrelationship among that data and the computing processes performed when utilizing that data. As such, a claim to that computer is statutory subject matter because it implements a statutory process.

(Emphases added.)

Based on the foregoing MPEP discussion, Applicants assert that the unexamined portions of independent claims 1 and 16 do not contain any “nonfunctional descriptive material” as improperly alleged by the Examiner. The alleged claim limitations (*e.g.*, “forecast data,” “forecast period,” “forecast interval,” “summary forecasts,” etc.) cannot be considered—under any reasonable reading of the claim language in proper context—as “music, literature, art, photographs, and mere arrangements or compilations of facts or data, without any functional interrelationship” to brand them as “nonfunctional descriptive material” under MPEP § 2106.01. (*See, e.g.*, discussion of rejection of independent claim-1 at the top of page-6 and rejection of independent claim-16 in the second full paragraph on page-10 in the Office Action).

From the foregoing, Applicants respectfully request reconsideration of the decision to exclude significant portions of each of the independent claims 1 and 16 from examination, and further respectfully request that all the limitations in these claims be examined in light of the available reference(s).

In the discussion below, Applicants consider all claim limitations in amended independent claim 1 vis-à-vis teachings in Amerasinghe, without treating any particular portion of claim 1 as “nonfunctional descriptive material.” Applicants reproduce the text of amended independent claim 1 below and emphasize some exemplary claim limitations recited in claim 1 and not taught by Amerasinghe.

1. A method in a computer system for presenting forecast information, the method comprising:
providing forecast snapshots, each forecast snapshot comprising a forecast date, a forecast period, forecast interval and summary forecasts, wherein

the forecast interval indicates a frequency at which forecasts are to be generated and saved as forecast snapshots;
 receiving from a user a request to display forecast snapshot information for a forecast period;
 for each forecast snapshot for the requested forecast period, retrieving forecasts for participants of the forecast, wherein each participant is subordinate to the user in a corporate management hierarchy;
 retrieving current opportunities for the user; and
 generating a single display containing a summary area that comprises summary information of the retrieved forecast snapshots for participants of the forecast, a participants area that comprises information of the retrieved forecast snapshots of each participant, and a user area that comprises information of the retrieved current opportunities of the user.

(Emphases added.)

In the context of presenting forecast information related to various personnel in corporate management hierarchy, Applicants fail to find any discussion in Amerasinghe teaching generation of a single display containing three areas: (i) a summary area comprising summary information of forecast snapshots for participants, (ii) a participants area comprising information of forecast snapshots of each participant who is subordinate to a user in the corporate management hierarchy, and (iii) a user area comprising information of current opportunities of the user, as recited more fully in the amended independent claim 1. Fig. 6 in the instant specification shows one such display.

In Amerasinghe, a discussion related to various user interfaces or displays is provided starting at paragraph [0102] therein. Figures 24 and 25 in Amerasinghe depict exemplary user interfaces, with Fig. 24 showing a user interface enabling a manager to view various summary forecast data whereas Fig. 25 showing a different user interface enabling the manager to view various forecast line item data. (See, paragraphs [0033] and [0034] in Amerasinghe.) With reference to discussion of Fig. 24, in paragraph [0139], Amerasinghe states that, "Initially, the user's name will be highlighted and the forecast

summary for the user and all of the user's subordinates will be shown in Forecast Summary Graph applet 466. Selecting one of the other employees in the hierarchy will cause the values in Forecast Summary Graph applet 466 to reflect the forecast for that person and their direct reports (if any exist)." (Emphases added.) In other words, the user interface in Fig. 24 in Amerasinghe does not display forecast summary along with forecast snapshots of each subordinate participant and current opportunities of the user, as required under amended independent claim 1. Rather, in Amerasinghe, an employee in the hierarchy has to be selected, and even after such selection, forecast summary for just that selected employee will be displayed.

Furthermore, in Amerasinghe, the chart view of Fig. 24 has to be toggled to obtain the view of Fig. 25 containing line item details. (Amerasinghe, paragraph [0140].) Again, as in case of the chart view of Fig. 24, the line item view of Fig. 25 in Amerasinghe is also a user-specific view having the same requirement of "selecting" an employee to "cause the list of detail records to change to just that person and their direct reports." (Amerasinghe, paragraph [0141].) (Emphasis added.) In other words, Applicants fail to find any showing, teaching or suggestion in Amerasinghe related to a single display containing three different areas of information—a summary area, a participants area, and a user area—as recited more fully in amended independent claim 1.

Here, Applicants wish to point out an inaccurate observation in the Office Action regarding the Organization Explorer form 462 and the Employee form 464 in Figs. 24-25 in Amerasinghe. The Office Action asserts that "participant area 464 and 462...includes participant information." (Office Action, discussion under letter (e) on page-5.) However, Applicants assert that "participant information" is not a claimed limitation. Rather, the

claimed “participants area” in claim 1 comprises forecast snapshots information of each participant, and, as discussed above and as can be seen from Figs. 24-25 in Amerasinghe, no such forecast snapshots information is displayed in the forms 462 and 464.

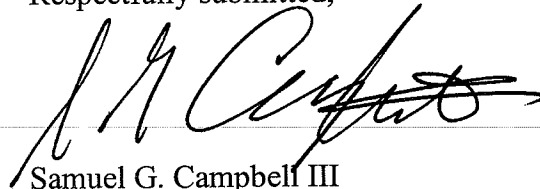
Hence, based on the foregoing discussion, Applicants assert that Amerasinghe fails to teach the claim limitations of amended independent claim 1. Therefore, Applicants assert that Amerasinghe fails to anticipate amended independent claim 1, as well as dependent claims 2-15. Other pending independent claims 16, 32, and 38 have been amended to contain limitations similar to those discussed above with reference to amended independent claim 1. Hence, at least for the reasons given above, amended independent claims 16, 32, and 38, and their respective dependent claims are also not anticipated by Amerasinghe. Therefore, reconsideration and allowance of claims 1-38 is respectfully requested.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicants hereby petition for such extensions. Applicants also hereby authorize that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to Deposit Account 502306.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. G. Campbell III', with a stylized flourish at the end.

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